

**TOWN OF LODI
PLAN COMMISSION MEETING MINUTES
TUESDAY, MAY 14, 2019**

1. Call to order & roll call: Plan Commission members present:

Meeting called to order by Chairman Krause at 5:38 p.m. Plan Commission members present: Kris Krause, Robert Robbins, Jack Pfister, Brian Henry, Chad Wolter. Absent: James Layne (excused). Also present: (For the Town) Atty. Lawrence Bechler, Engineer Katie MacDonald, (2) Atty. Rick Schmidt, Jim Grothman; (3) Dan Hellenbrand, James Hellenbrand, (4) & (5) Gerald Henthorne, Jeff Schroeder, Heidi Schroeder (6) Don Anderson, Atty. Jeff Clark, (7) Atty. Charles "Buck" Sweeney, Brad Boettcher (General Engineering), plus Kirt Liebl, Bev Kniess, Sandi McNamer, Roberta Arnold, Taylor McGee, Rich Braun, Andrezej Kliczak, Allison Seaton, Craig Endres, Asta Blanchar, David Wilson, Joe Fobes, Martha Alberti, Laurie Barchus, Brian Barchus, Melissa Buhler, Terry Buhler, Roger Santi, Mark Mastel, Tim Onofrey, Julie Richardson, Ken Richardson, Chris Madden, James Brooks, Bob Redelings, Linda Redelings, Bob Collins, Kancade Tochtermann, Vickie Michels, Martha Dodge Alberti, John Pool, Charles Lanius, Joan Zavoral, Karen Neff, Dennis Neff, Wayne Sadek, Mary Linak

Public Input:

See Attachment A (page 7 of 14)

Allison Seaton - I'm here regarding the 30' x 60' Wick building recently permitted by CCP&Z at N2588 Summerville Park Road (owned by Ronald Atkinson. I'm concerned because where the old shed is being removed and this new larger building is being built ponds rain whenever it rains, and with this larger building I'm afraid the water will now run onto neighboring properties. The owner also, I'm told, will be putting in a 2nd driveway off of Bay Drive (the driveway to the home is off of Summerville Park Road). I'm asking that people who are concerned about this talk to their Town Board representatives and to their County Board Representative Jon Plumer. I'm asking that this be on the next Town Board meeting.

2. Fern Glen Farms Final Plat involving Parcels 11022-453; 11022-455; 11022-465 (W11381 CTH J); 11022-465.A (W11373 CTH J); 11022-466; 11022-476 & 11022-480. Owned by Francis W. Groves Rev. Trust; c/o Jackie Groves:

Present – Surveyor Jim Grothman, Atty. Rick Schmidt.

See Attachment B (page 8-9 of 14)

Krause – the preliminary plat was recommended for approval by the Plan Commission and by the Town Board on, with several items needing to be taken care of with the submission of the final plat. MacDonald – 2 items were (a) removing the building envelope and mound system from Outlot 3 – that has been done; (b) there was also a requirement for an easement for the Ice Age Trail on Lot 1 – which is now not needed. Krause – in the Covenants there was a reference to the septic within easements, which needs to be removed from the document. And for Outlot 1 have you applied for the rezoning; Grothman – yes, it's contingent upon recording of the final plat. MacDonald – during the actual review #10 and #11 in the Covenants both refer to easements on Lot 1 for the septic system, which are not shown on the Final Plat. Either the Covenants or the Final Plat need to be corrected. Grothman – easement no longer needed for Lot 1. MacDonald – there is wording in the town ordinances

-regarding turnarounds for emergency vehicles, are there any specific concerns relating to this plat. Grothman – if you look at Page 2 of 3 of the Final Plat it refers to these turnaround areas. Pfister – Lot 6 & 7 show no driveway easement at all. Grothman – they abut the driveway easement for them. Wolter – I know, as a LAFD firefighter and driver, that having some sort of turnaround is extremely important, nothing worse than trying to back a fire truck out onto a county highway. Grothman – this can be addressed with the issuing of the driveway permits. Atty. Schultz – I can include wording for such in the Covenants & Restrictions. Atty. Bechler – the wording should say “there SHALL be”. Atty. Schultz – I will add that wording. Atty. Bechler – cannot be “advisory” it needs to be “mandatory”. These Covenants are to not only protect the owners of these parcels, they are also to protect the public. I also highlighted in recital C & D regarding force main, are you referring to a grinder pump? Grothman – there is a force main (non-municipal) in this plat. Another issue is in para. 24 of the C&R, you (Atty. Schmidt) should add to that this cannot be revised without the prior approval of the Town.

Atty. Bechler – the town board could take action on this with a deferred effective date that any items that need attention are taken care of within a set time period.

Pfister/Robbins motion to recommend to the Town Board approve the Fern Glen Farms Final Plat, with a deferred effective date of 60 days for the following changes: revising the Declaration of Easements by removing the “advisory” clause from paragraph 1D, eliminating paragraph 10, revising paragraph 11 to delete references to Lot 2 as prohibited site for POWTS Area, revise driveway for Lot 6 & 7 to require turnarounds on Lots 6 & 7, revise paragraph 24 of the Covenants & Restrictions to add that this paragraph cannot be revised without the prior approval of the Town. If these changes are not made in that time, the final plat is rejected; MC 5-0.

3. Dan Hellenbrand petition to rezone 2.72-acre Parcel 11022-431.03 from A-1 Agricultural to Rural Residence-1 with 32.28-acres of Parcel 11022-430 (owned by Hellenbrand Living Trust/Roman Hellenbrand, (applicants grandfather) rezoned to A-4 Agricultural Overlay to meet the required density of not more than one dwelling per 35 acres per Columbia County Ordinance Section 16-125-050(A):

Present: Dan Hellenbrand, Jim Hellenbrand.

Note: See Attachment C (page 10 of 14)

Dan Hellenbrand– I recently purchased this parcel from my Dad, and am looking to build a home on it. Kris – this lot falls under the Columbia County requirement to restrict enough additional acreage to the acreage of this lot as Ag-4 Overlay. MacDonald – the lot has appropriate road access, and this action brings it into conformance with all related ordinances. Atty. Bechler – should probably have a Deed Restriction recorded with this describing that there can be no further division of the land included in this action.

Pfister/Wolter motion to approve rezoning 2.72-acre Parcel 11022-431.03 from A-1 Agricultural to Rural Residence-1 with rezoning of 32.28-acres of Parcel 11022-430 (owned by Hellenbrand Living Trust/Roman Hellenbrand; applicants grandfather to A-4 Agricultural Overlay to meet the required density of not more than one dwelling per 35 acres per Columbia County Ordinance Section 16-125-050 with the appropriate deed restriction; MC 5-0.

4. Gerald & Joanne Henthorne/Jeff & Heidi Schroeder/Ron Kohn Certified Survey Map reconfiguring 3 parcels (11022-356 is 4.5 acres owned by Henthorne's; 11022-358.01 is 13.465 acres owned by Henthorne's; and 11022-358.02 is 1.095 acres owned by Schroeders) plus a .19 portion of 20.6 acre Parcel 11022-359 owned by Ronald Kohn into 2 Lots (Lot 1 @ 15.10 acres; Lot 2 @ 4.15 acres):

Present – Gerald Henthorne, Jeff Schroeder, Heidi Schroeder, Joan Kohn.

Note: See Attachment D (page 11 of 14)

*Note: * Brian Henry recuses himself from both this agenda item, and agenda item #5, will not discuss nor vote on any motion.*

Krause – the way you have the buffer drawn shows that Ron Kohn would still own a portion of the pond. What we usually do is have a meandering line along the perimeter of the pond adjacent to what Schroeder will own. Atty. Bechler – an example would be the Dean Strander property where there was a Covenant recorded describing ownership of the water rights. Surveyor Greg Knuteson should understand what we're asking for.

MacDonald – the only item I see is that land adjacent to land divisions should be shown on the CSM. Surveyor Greg Knuteson will be able to do that.

Pfister/Robbins motion to conditional recommend approval of the CSM upon completion of (a) meandering line on pond, (b) Covenant regarding access & use of the pond, and (c) and zoning designations on lands adjacent to this land division; MC 4-0-1.*

5. Gerald & Joanne Henthorne/Jeff & Heidi Schroeder Petition Rezone Lot 1 (from above CSM) from A-1 to A-2 and Rezone Lot 2 (from above CSM) from Ag-2 & R1 (Shoreland 1 acre) to RR1: Note: Lot 1 also needs to be rezoned.

Present – Gerald Henthorne, Jeff Schroeder, Heidi Schroeder

See Attachment D (page 11 of 14)

Robbins/Pfister motion to approve rezones of above-created Lot 1 from A-1 to A-2, and above-created Lot 2 from A-2 & R-1 to RR-1; MC 4-0-1.*

6. Spring Ridge-Lodi LLC (Don Anderson) Preliminary Plat:

Present: Don Anderson, Atty. Jeff Clark, Surveyor Jim Grothman.

See Attachment E (page 12 of 14)

Krause – this was preliminarily reviewed last year. Atty. Clark – there was town approval of an 8-lot preliminary plat for this property back in 2011. We also did a comprehensive rezoning then also of the property, that included some trading of Ag land for residential and vice versa. At that time the County put a Planned Single Family Development Overlay on the property, which allowed a larger lot size for R-1 single family zoned parcels, not allowing any further division of these parcels. It also limited to 8,100 sq. ft. total building size on each lot. Would also allow 2 horses per lot. That all was completed by the County in September 2011. At the time that was done we also had to get approval from the City of Lodi because this property was within in their (Extra-Territorial-Zoning) ETZ area. We had many conversations with the mayor and the City at that time, and could not resolve the issues and get their approval. Since that time the State Legislature has solved that problem, such that the City no longer has to approve. This explains why we're at this again now 8 years later. We're coming back with this preliminary plat for 7 lots. Grothman – one of the major changes from the previous preliminary plat was that we now have just Lot 1 on what was previously Lots 1 and 2. With Planned Unit Development (PUD) overlay we're

allowed to have a shared driveway to all the lots. The shared access off of CTH J was approved previously by the County. The Stormwater Management Plan is completed, just needs to be tweaked a little.

Krause – 2 things jump out at me, the first being building envelopes; the second being Lot 1 the driveway will be on the western side due to less slope, but we need to address the steep slopes on the eastern edge of the property. We need a proposal of how to protect that. Atty. Clark – since 2011 we have sold most of the ravine to the Franklands, so we no longer have control over that. We can leave buffer restrictions in that were in the previous plat.

Robbins – do we need aa turnaround for emergency vehicles? Grothman – it doesn't show on this, but will on the final plat.

Goeske – so this will use a shared driveway because it's under a PUD, unlike Ness' Pleasant Valley Plat which ended up being a town road? Kris – no, there were several considerations taken into the decision requiring Ness' to be a town road. We can look at this one the same, though it's not in our policy to create more town roads. Atty. Bechler – plans for this property have been on-going off and on (since 2005) and I believe there was extensive discussions about this shared driveway and why we should allow it. Atty. Clark – we have an extensive Water Runoff plan for this property that will be reviewed by your town engineer.

Atty. Clark – looking to be on the June 11th Plan Commission meeting.

7. Access to Parcel 25.08-acre Parcel 11022-232 (aka "top of Paradise Island) owned by Paradise 28 LLC; Kenneth Nelson, Registered Agent:

Present – Atty. Charles “Buck” Sweeney (Axley Brynerson, LLP) and Brad Boettcher (General Engineering Co.)

See Attachment F (page 13-14 of 14)

Atty. Sweeney- we've met several times with Krause & Atty. Bechler since January 2019 and they've filled us in with the long history of this property. We realize it's not an easy parcel to develop, and we will have to think outside of the box to do so. We're looking to build just one home on this parcel, and we're looking to do something that the residents will be happy with. We realize this will be a long process.

Boettcher – we've tried to put pictures to this to see the possibilities for access to this parcel. See Attachment F .

Atty. Sweeney - there is an access easement off of Island View Court, but that is not the best route. Everything you see in red, pink or purple on the Existing Site Plan that is in color is slopes greater than 20%, yellow and green are less than 20%.

Krause – if Mr. Nelson were here I'd ask him: does he realize how steep an 18% slope is? Has he ever driven up an 18% slope? I have a 10-12% slope driveway and I can tell you it's not for everyone. You have to have specialized snow removal equipment and vehicles. Atty. Sweeney – he understands this is a challenge. There are ways to address it with things such as heated driveway. Krause – how does an emergency vehicle make that steep of a driveway? Wolter – that's what I was wondering about. Boettcher – there are ways to make the driveway less steep, such as a longer driveway. Atty. Sweeney – we realize there was also interest in making this parcel a public parcel. We're open to the idea of deeding part of this parcel to the public, turning land over to a 501C.

Krause – the issues with this parcel dates way back to 1988 (per Atty. Bechler, the first time this parcel was brought before the Town Board). Initially there was a “war” between the Town and the owner at that time. There

were proposals for a condo development on this parcels or a high-density development. There was a negotiation with the original plat that there'd be no development on this parcel. Ultimately there was an easement recorded for access to this parcel off of Island View Court through the condo property, the Town Attorney has advised us he doesn't believe it to be a legal easement because the owner of this parcel at that time gave the easement to himself. I've worked with 7 Town Chairperson's over the years whenever the subject of access to this parcel came up. We have steadfastly stuck with adhering to our ordinances that don't allow more than a 12% slope on a driveway, and disturbing anything with more than a 20% slope.

Koshan - Can you comment on DNR applications relating to this property? Krause – I don't remember any DNR applications with this property. Koshan – I remember a group at one time trying to set this property aside as a nature preserve. Krause – there was a group at one time that was looking at putting this parcel into Conservancy.

Goeske – at one time the Town was going to trade a buildable lake-front property on Bay Drive that the town owns for this property with the previous owner of this Parcel 232, and he agreed. Atty. Bechler prepared the documents to do this and drove to the owners office in Reedsburg for signatures, but the trade fell through when the owner suddenly asked for \$400,000 payment from the town for his property to go with the trade. I have mentioned this several times over the years since to real estate agents for this Parcel 232 and perspective buyers, and some have even asked if the trade is still an option, to which I've always replied they'd need to ask the Town Board that.

Kniess - there's a Paradise Island Condo Association and also a Paradise Island Homeowners Association and I feel you should be in contact with us. Atty. Sweeney – I will get your contact info.

Krause – I was informed by former Town Chairman Marx that there was ATV and pedestrian violations across private property. Kniess – they were also cutting trees within 350' of eagle nest(s). Goeske – yes, the DNR was informed of that.

Collins – last time when they were up there cutting trees down I informed the US Wildlife and they came and took pictures. They determined they were in violation because they were within 500' of eagle nest(s).

Madden - It's not just the grade at the end of Summerville, they're the poor quality of the highly erodible soil.

Braun – originally when the condos were built one of the concessions is that NO building would be allowed on this parcel. Krause – there was to be a deed restriction stating that, but it was never done. Braun – when was this property last purchased? Boettcher – last summer.

Sadek – so there's no contingencies with the purchase, Nelson owns it? Atty. Sweeney – as far as I know he owns it 100%. Sadek – so he gave permission for the cutting of trees done recently? Atty. Sweeney – I don't know.

Endres – has there been an conversations with the owner as to options for this land if this plan doesn't go through? Atty. Sweeney – Nelson just told us to get it so he can build a house on this property.

Atty. Sweeney – my objective tonight is to let the Plan Commission know what's happening right now and plans for this property.

Krause – access is the primary concern for this property, after that will be additional questions about a house being built that does not stand out and what it does to the view of others. If they can't get access then they can't build.

Alberti – I'd like the fire dept. to be included, if you can't get a car up there how are you going to get an ambulance or fire truck up there?

Linak – do we have to continue to allow the cutting of trees that continues to go on up there? Kniess – there is a permit required by the County to cut timber and a fine for not getting that permit.

Atty. Bechler – the access off the end of Summerville shown on this Existing Site Plan goes across town-owned land (not public), property owned by Jim Kratzke, and property owned by the Paradise Island Condo Association.

Krause – there was an access point off the end of Demyonck. Atty. Grothman – Earl Hamre and the Town made in an agreement back in 1984 he (Earl) put a buffer across the end of Demyonck (adjacent to the end of the buffer zone) that prevents access off the end of Demyonck to this parcel.

Wilson – when I was on the PICA board we teamed up with the Paradise Island Homeowners Association and hired an Atty. Loniello. He came up with 7 reasons that access could not be given to this parcel, including that the easement the previous owner gave himself was not legal. But we never pursued it through the courts to a final decision.

Krause – to be perfectly clear there is NO WAY to gain access to this parcel ANYWHERE and not disturb greater than 20% slope.

Arnold – the buffer across the end of Demyonck Hamre gave the town is limited also to only foot traffic.

Krause – here's how our process works. We typically allow any applicant 1 meeting at no cost to present us a development proposal. We to-date have NO development plan for this parcel. And if someone were to present one for this property now we'd turn it down on the basis of the 20% slope issue. The Plan Commission is advisory only, all motions we make are advisory to the Town Board only, the board then takes that into consideration and can make their decision.

Atty. Sweeney – we put a planned road through property that is owned by the Condo Association, so we'd need approval from the Condo Association to do that. Krause – any development on this parcel is not only a town issue, it's an issue that covers many involved parties.

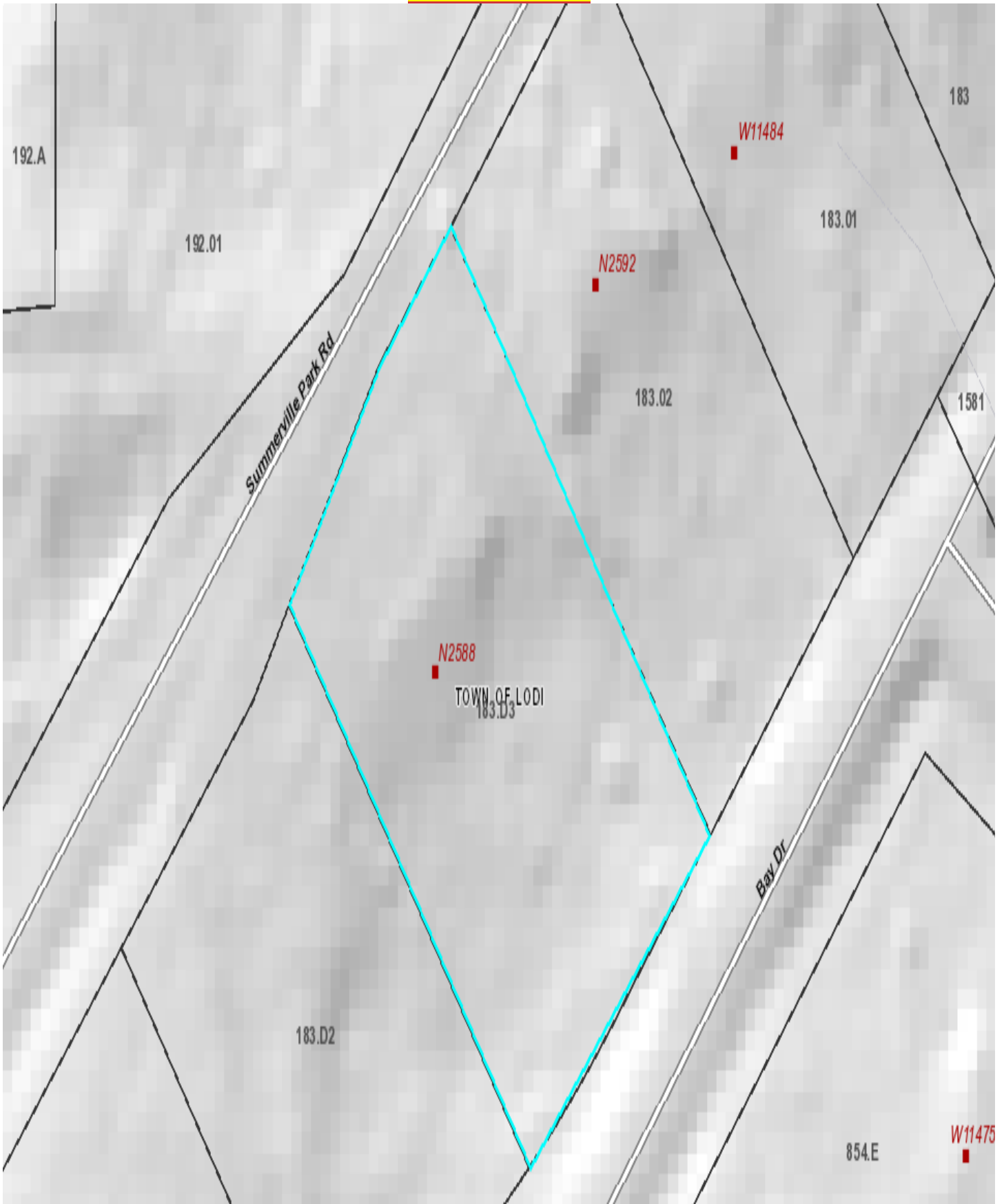
8. Minutes of March 12, 2019 meeting: no action taken, no quorum of members present at that meeting present this evening.

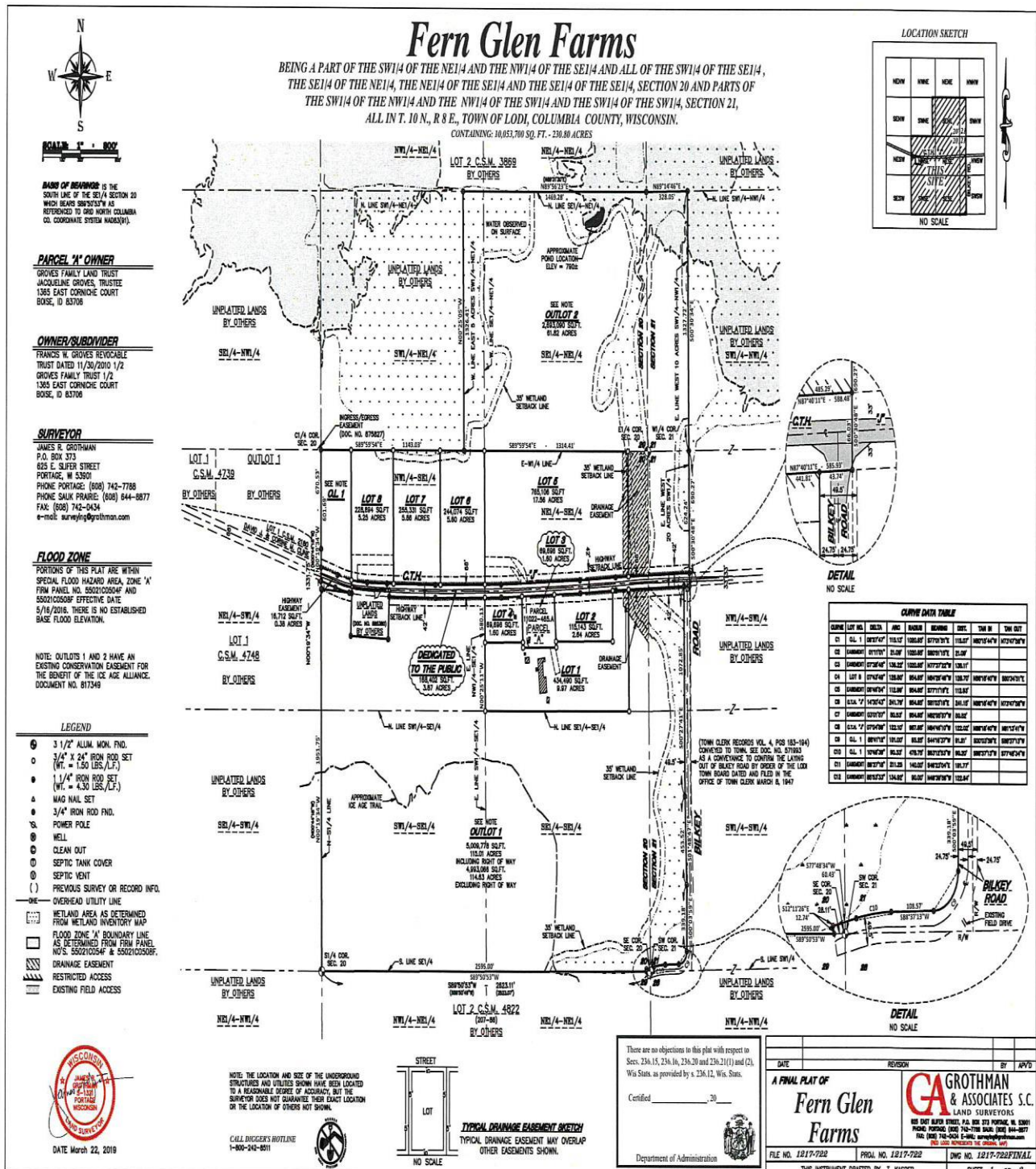
9. Next meeting date is June 11, 2019. Additional items that may come in is a CSM from Neil McIntyre, possibly something from Jim Grothman regarding the Jon Manchester property.

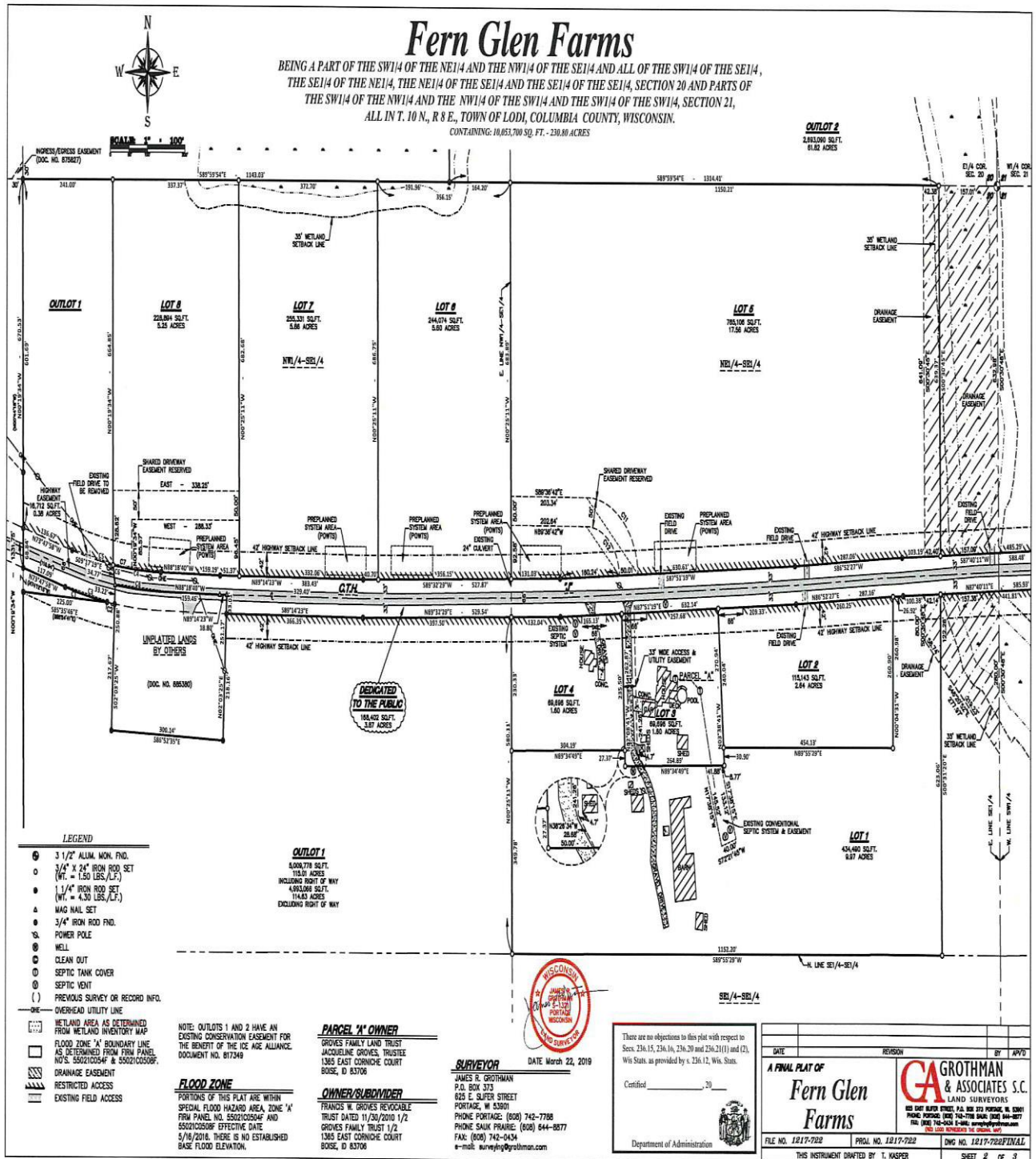
10. Adjourn: *Robbins/Pfister motion to adjourn at 8:10 p.m.; MC 5-0.*

April D. Goeske
Clerk-Treasurer

ATTACHMENT A







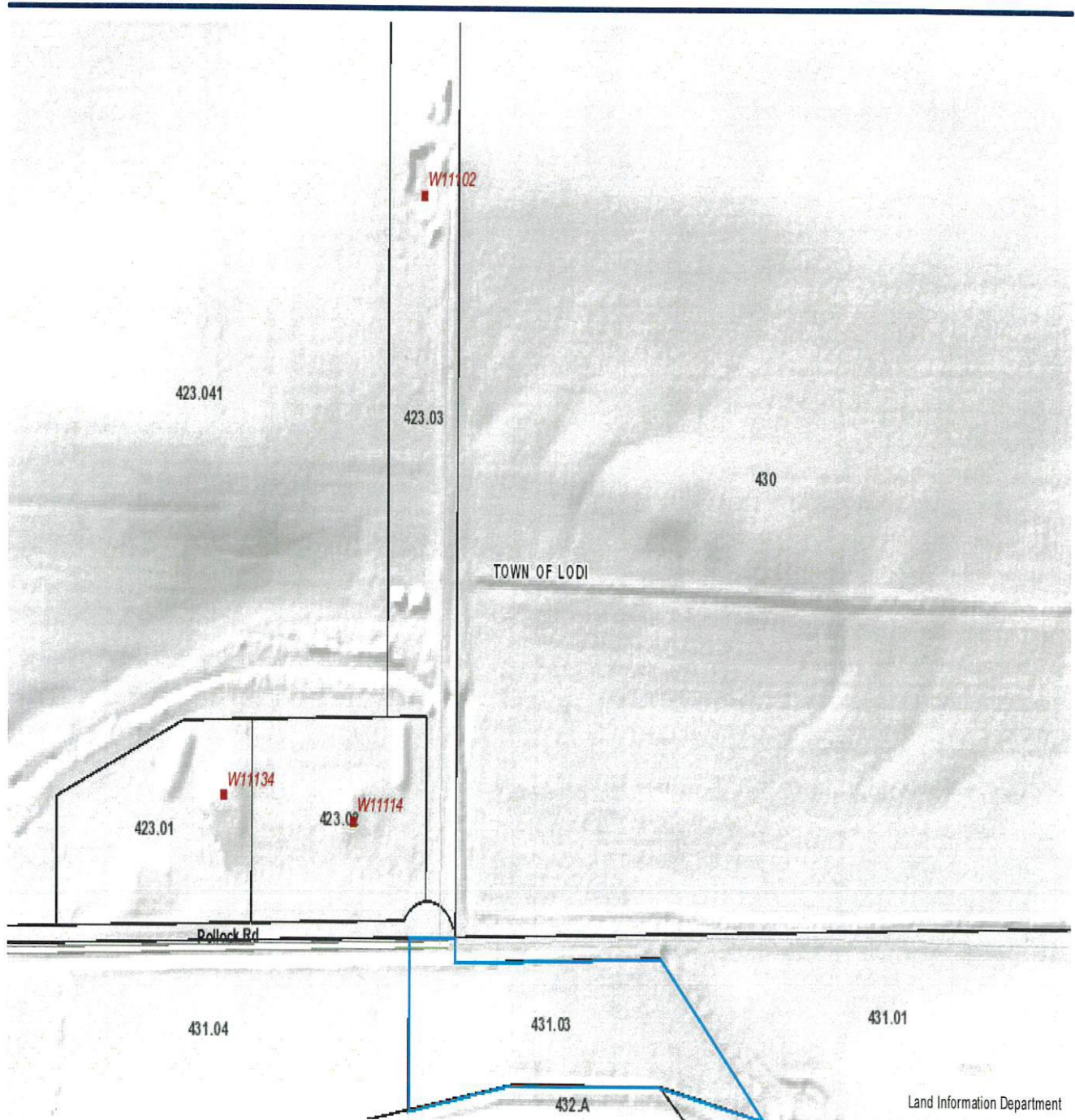
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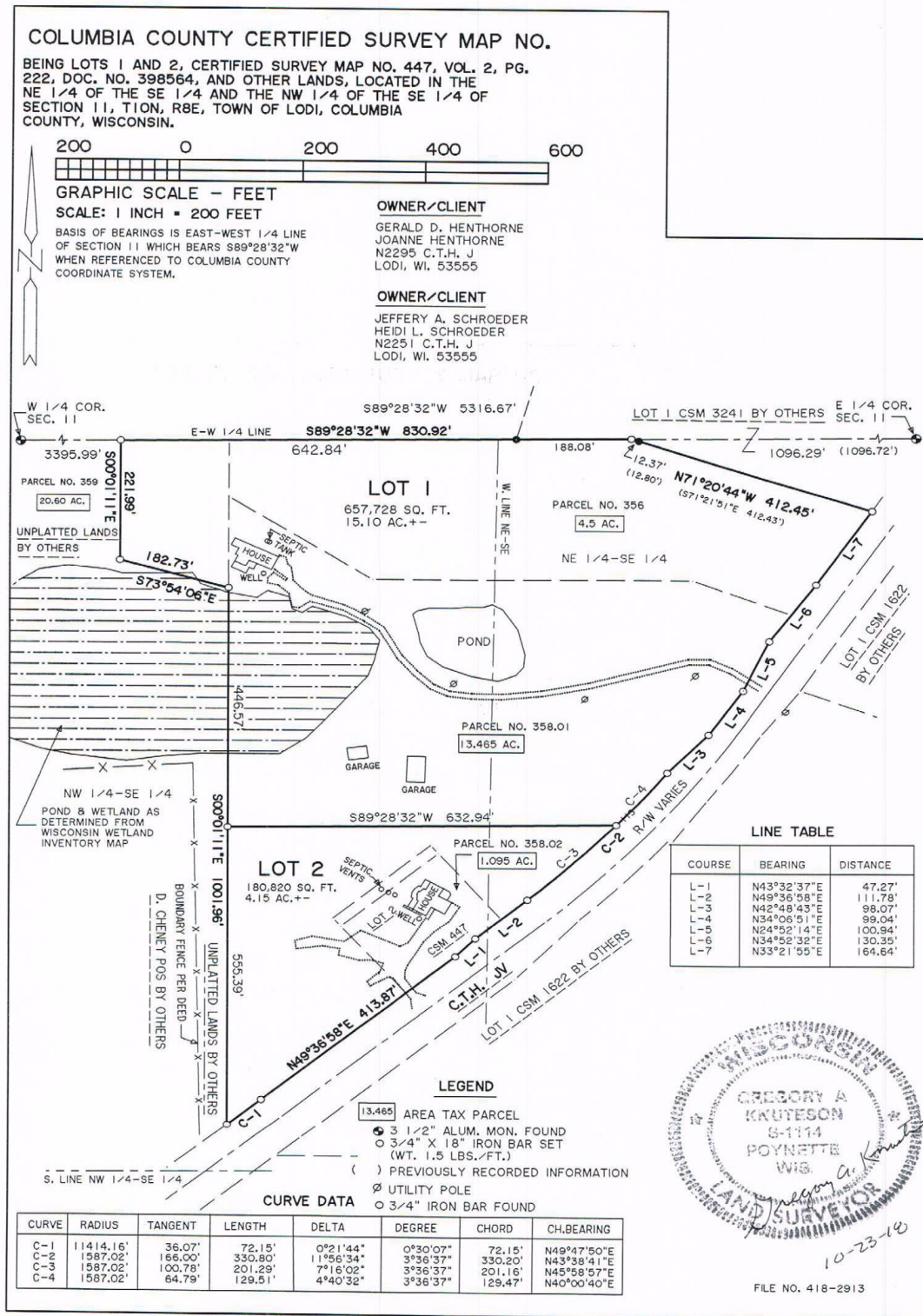
ATTACHMENT C

COLUMBIA COUNTY INTERACTIVE MAP

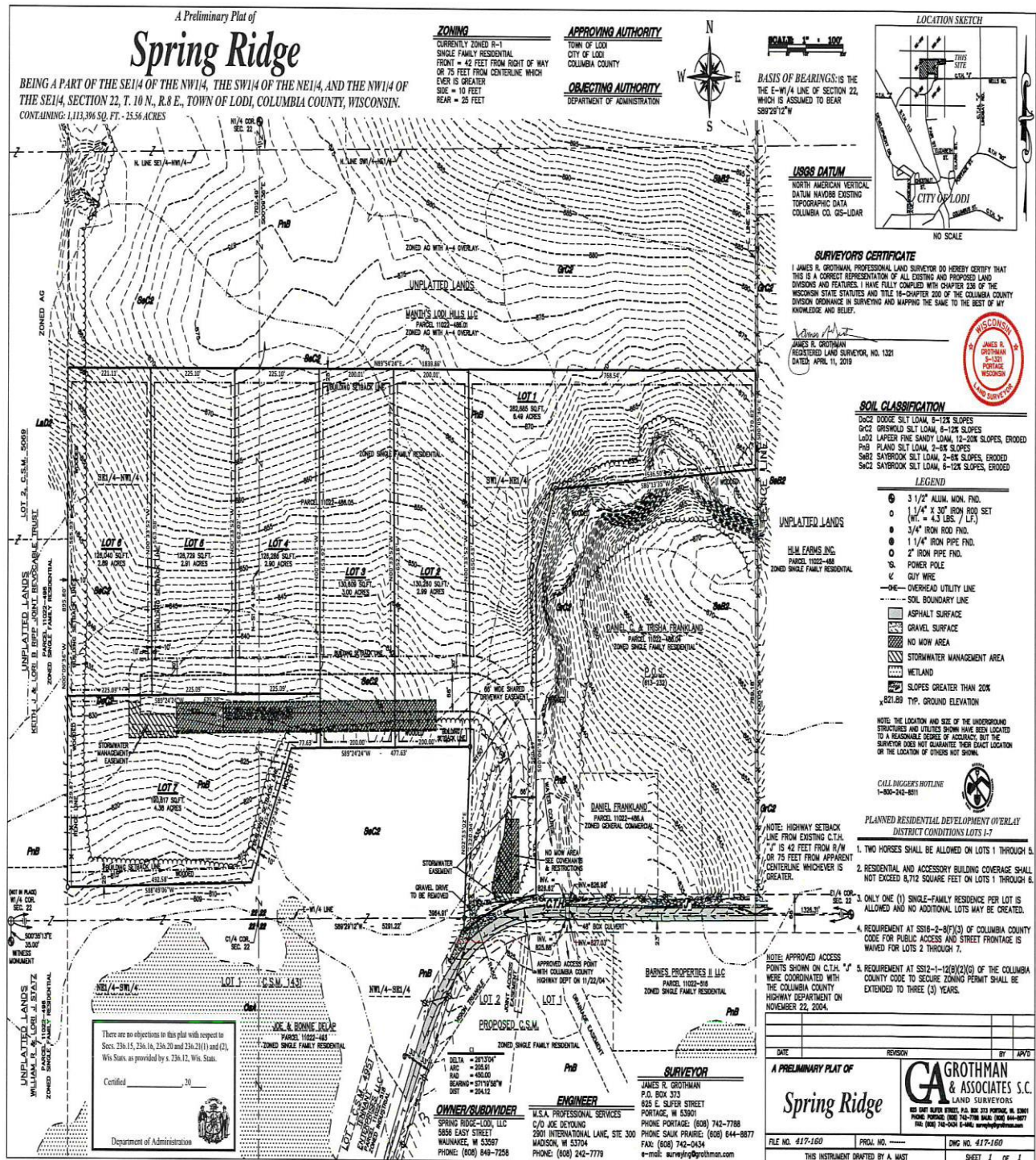
1:2,729
Columbia County
Land Information Department
May 15, 2019



ATTACHMENT D



ATTACHMENT E



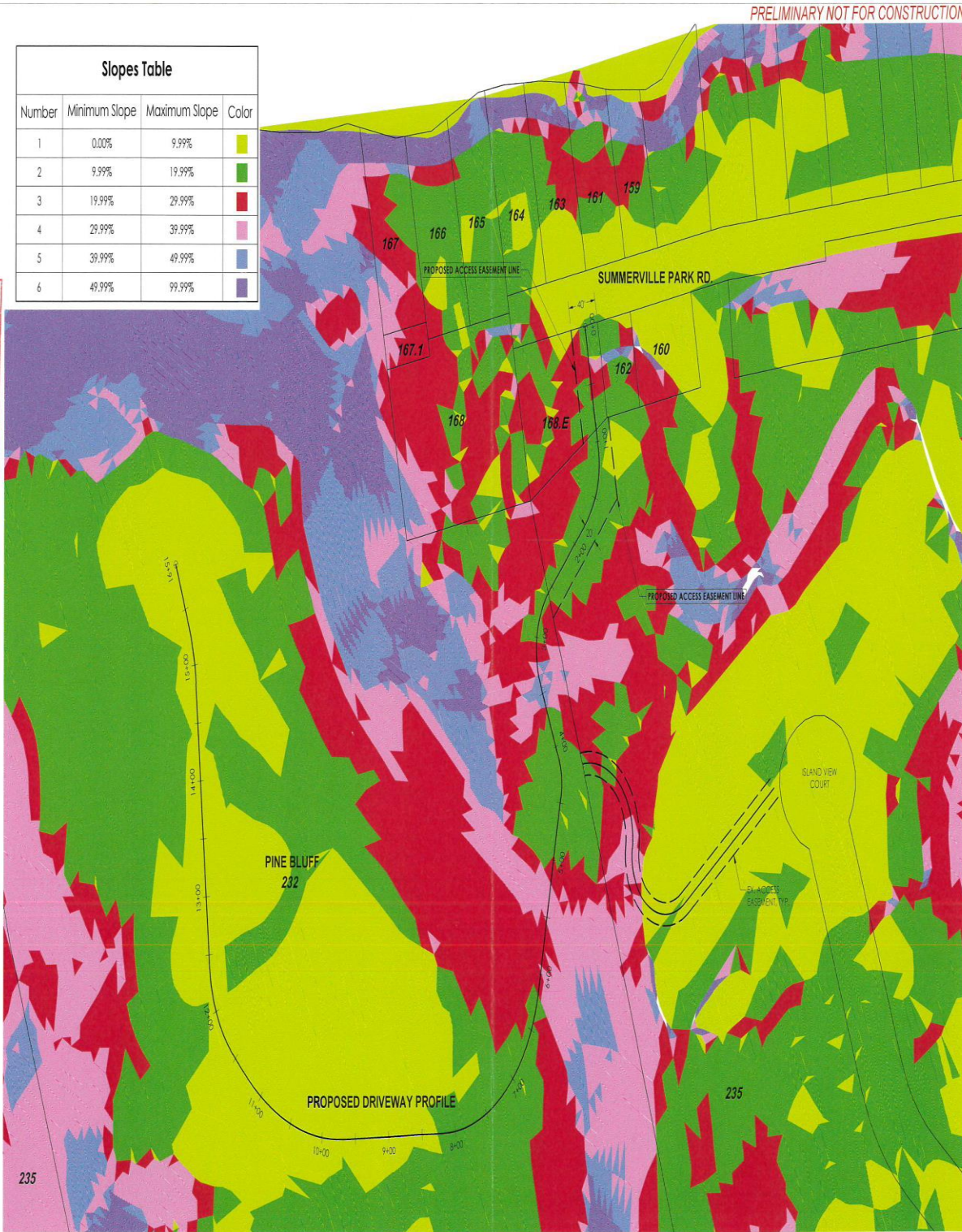
ATTACHMENT F-1 of 2

PRELIMINARY NOT FOR CONSTRUCTION

Slopes Table			
Number	Minimum Slope	Maximum Slope	Color
1	0.00%	9.99%	Yellow
2	9.99%	19.99%	Green
3	19.99%	29.99%	Red
4	29.99%	39.99%	Pink
5	39.99%	49.99%	Blue
6	49.99%	99.99%	Purple

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MAY 14 2019
TOWN OF LODI

G:\Current Files E-K\Hole Builders Inc\02-0618-340 Driveway - Town of Lodi\CAD 2-0818-3402_Civil\Production Drawings\Blope Banding-2-0818-340.dwg, 5/11/2019 1:26:42 PM



General Engineering Company
P.O. Box 3442, 315 Main St., Lodi, WI 53501
608-702-2222 (Office) Fax: 608-702-2221
www.generalengineering.net

EXISTING SITE PLAN
DRIVEWAY
PARADISE 28 LLC
TOWN OF LODI
COLUMBIA COUNTY, WI

REVISIONS	NO.	BY	DATE



DRAWN BY: JLM
REVIEWED BY: BPH
ISSUE DATE: JULY 2018
GEC FILE NO: 2-0818-340
SHEET NO: A1

168-Kratzke 168.B-Town 162-HARBOLD/PINTER

PRELIMINARY NOT FOR CONSTRUCTION



General Engineering Company
 P.O. Box 340 • 1000 Main Street • Columbus, MS 39201
 Phone: 662-328-0100 • Fax: 662-328-0101
 www.generalengineering.net

EXISTING SITE PLAN
 DRIVEWAY
 PARADISE 28 LLC
 TOWN OF LODI
 COLUMBIA COUNTY, WI

REVISIONS	NO.	BY	DATE



DRAWN BY: J.M.
 REVIEWED BY: BMB
 ISSUE DATE: JULY 2018
 GEC FILE NO.: 2-0018-340
 SHEET NO.: **A2**

RECEIVED
 MAY 14 2019
 TOWN OF LODI

G:\Current Plans\E\K\Noise Builders\18018-340 Driveway - Town of Lodi\CAD 2-08 18-3402_CIVIL\Production Drawings\Site Plan\Banding 2-08 18-340.dwg, 5/14/2018 12:47:33 PM

